

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

UNITED STATES OF AMERICA)	
)	
v.)	CASE NO. 2:18-CR-117-WKW
)	[WO]
CEDRIC ANTONIO BENNETT)	

ORDER

Before the court is Defendant Cedric Antonio Bennett’s second *pro se* motion for compassionate release in which he seeks to modify an imposed term of imprisonment pursuant to 18 U.S.C. § 3582(c)(1)(A)(i). (Doc. # 74.) The Government has filed a response in opposition. (Doc. # 77.) The motion is due to be denied.

Mr. Bennett was convicted of being a felon in possession of a firearm, in violation of 18 U.S.C. § 922(g)(1), and was sentenced to sixty-eight months’ imprisonment. (Doc. # 57.) His projected release date is January 23, 2023. (Doc. # 77-1, at 1.) Based upon a thorough review of the record, including the medical records (*see, e.g.*, Doc. # 74-2, at 1–3), Mr. Bennett has not shown “extraordinary and compelling reasons” warranting his early release from prison. § 3582(c)(1)(A). The balancing of the 18 U.S.C. § 3553(a) factors also does not favor release.

Furthermore, to the extent that Mr. Bennett requests that the court direct the Bureau of Prisons (“BOP”) to place him on home confinement (Doc. # 74, at 3), the

court lacks authority to take such action. The BOP has the sole discretion to designate an inmate's place of confinement, which includes placement in home confinement. *See United States v. Sanchez*, No. 2:17CR337-MHT, 2020 WL 3013515, at *1 (M.D. Ala. June 4, 2020) (“[T]he court lacks authority under the CARES Act to order the Bureau of Prisons to place [the inmate] on home confinement.”); *see* Coronavirus Aid, Relief, & Economic Security Act, Pub. L. No. 116-136, § 12003(b)(2), 134 Stat. 281 (2020) (“CARES Act”) (providing that, if the Attorney General concludes “that emergency conditions will materially affect the functioning of the” BOP, BOP’s Director “may lengthen the maximum amount of time for which the Director is authorized to place a prisoner in home confinement under the first sentence of section 3624(c)(2) of title 18, United States Code, as the Director determines appropriate”).

Accordingly, it is ORDERED that Defendant’s second *pro se* motion for compassionate release (Doc. # 74) is DENIED.

DONE this 16th day of March, 2021.

/s/ W. Keith Watkins
UNITED STATES DISTRICT JUDGE